



Federal Communications Commission
Washington, D.C. 20554

May 15, 2014

DA 14-663

Small Entity Compliance Guide

**Implementing Public Safety Broadband Provisions of
the Middle Class Tax Relief and Job Creation Act of
2012**

**Implementing a Nationwide, Broadband, Interoperable
Public Safety Network in the 700 MHz Band**

**Service Rules for the 698-746, 747-762 and 777-792 MHz
Bands**

Second Report and Order
FCC 13-137

PS Docket Nos. 12-94, 06-229; WT Docket No. 06-150
Released: Oct. 28, 2013

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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Background

The Middle Class Tax Relief and Job Creation Act of 2012 (Act), Pub. L. No. 112-96, provides for the deployment of a nationwide public safety broadband network in the 700 MHz band. The Act established the First Responder Network Authority (FirstNet) as an independent authority within the National Telecommunications and Information Administration (NTIA), and required the Commission to grant a license to FirstNet for the use of both the existing public safety broadband spectrum (763-768/793-798 MHz) and the spectrally adjacent D Block (758-763/788-793 MHz), a commercial spectrum block that the Act required the Commission to reallocate for public safety use. The Act charges FirstNet with establishing and overseeing “a nationwide, interoperable public safety broadband network” operated in this spectrum.

Under prior Commission rules, the public safety broadband spectrum was governed by Part 90 of the Commission’s rules, while the D Block was governed by Part 27. In the *Second Report and Order*, the Commission adopted consolidated technical service rules to facilitate FirstNet’s efforts to deploy a nationwide public safety broadband network in the 700 MHz band, bringing all of the rules for this spectrum under Part 90. The adoption of these rules also enabled the Commission to certify equipment for operation in the spectrum licensed to FirstNet.

Compliance Requirements

- The consolidation combined rules that were previously codified in Part 90 and Part 27 of the rules into a unified set of rules under Part 90 governing the FirstNet spectrum.
- Small entities seeking to produce equipment for use in this band will be required to manufacture such equipment to meet these technical specifications. Small entities may seek equipment certification under these rules through the established equipment certification process managed by the Commission’s Office of Engineering and Technology (OET).
- The unified Part 90 rules adopted were largely in conformance with existing Part 90 rules. They include:
 - **Power Limits.** Power limits play an important role in minimizing the potential for radiofrequency (RF) transmissions to create harmful interference for operations in co-channel and adjacent spectrum bands. The *Second Report and Order* maintained the power limits already present in Part 90, including higher limits in rural areas. These limits are codified at 47 C.F.R. § 90.542 (a).
 - **Power Strength Limits (Power Flux Density).** Power flux density limits help mitigate the potential for a base station’s transmissions to create interference for adjacent-band users in the immediate area. The *Second Report and Order* maintained the limits present in Part 90. These limits are codified at 47 C.F.R. § 90.542(b).
 - **Emission Limits.** Out-of-band emissions limits play a critical role in minimizing inter-band interference. The limits under Part 90 have been calibrated to prevent public safety broadband operations from interfering with operations in the adjacent public safety narrowband spectrum. Similarly, the Part 90 limits on emissions from the public safety broadband spectrum into the 1559-1610 MHz band protect critical GPS operations from interference. The *Second Report and Order* retained limits and language present in Part 90, including the phrase “including harmonics” to ensure that the public continues to understand that emissions into the GPS band (1559-1610 MHz) would include harmonics. The emission limits discussed in this bullet are codified at 47 C.F.R. §90.543.
 - **Field Strength Limits.** The *Second Report and Order* declined to adopt field strength limits to limit interference between the FirstNet radio access network (RAN) and any State Networks.

States opting to deploy their own RAN are required by the Act to demonstrate interoperability to the FCC and operate pursuant to a spectrum lease with FirstNet. Accordingly, the *Second Report and Order* determined that field strength limit rules are not necessary.

- **Interference Coordination.** The *Second Report and Order* declined to require formal advance interference coordination by FirstNet with commercial or incumbent public safety operators. The Act already requires FirstNet to coordinate with state and local governments, and creates other incentives for FirstNet to coordinate its operations.
- **International Considerations.** The *Second Report and Order* consolidated into Part 90 existing identical Part 27 and Part 90 rules on international coordination without change. The rule is codified at 47 C.F.R. § 90.533.
- **Guard Band.** The *Second Report and Order* retained the 768-769/798-799 MHz band as a guard band and retained existing operating parameters for the guard band spectrum already contained in Part 90.
- **Equipment Certification.** The *Second Report and Order* adopted existing Part 90 provisions without modification, and directed the Commission's OET to certify equipment in the band as soon as these rules become effective. (For effective date of rules, see "Dates" section below). This rule is codified at 47 C.F.R. § 90.549.

Dates

The above-summarized rules adopted in the *Second Report and Order* were published in the Federal Register on January 6, 2014 and became effective on the same day. See 79 Fed Reg 588 (2014).

Internet Links

- Second Report and Order, FCC 13-137
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-137A1.doc
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-137A1.pdf
http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-13-137A1.txt
- Erratum (Dec. 19, 2013)
http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-324812A1_Erratum.docx
- Erratum (Dec. 23, 2013)
http://fjallfoss.fcc.gov/edocs_public/attachmatch/DOC-324895A1_Erratum.docx